

UNITED STATES OF AMERICA
Before The
OFFICE OF THRIFT SUPERVISION

In the Matter of)

JUAN CARLOS ALB)

An Officer of)

1st SERVICE BANK)
MCLEAN, VIRGINIA)

Order No. ATL-2005-03

Dated: February 14, 2005

STIPULATION AND CONSENT TO THE ISSUANCE OF AN
ORDER OF REMOVAL AND PROHIBITION

WHEREAS, the Office of Thrift Supervision (“OTS”), based upon information derived from the exercise of its regulatory responsibilities, has informed JUAN CARLOS ALB (ALB), Assistant Vice President of 1st Service Bank, McLean, Virginia, OTS Docket Number 15833 (1st SERVICE or BANK), that grounds exist to initiate an administrative removal and prohibition proceeding against ALB pursuant to 12 U.S.C. § 1818(e),¹ and

WHEREAS, ALB desires to cooperate with the OTS and to avoid the time and expense of such administrative proceeding and, without admitting or denying that such grounds exist, but only admitting the statements and conclusions as to Jurisdiction in Paragraph 1 below, hereby stipulates and agrees to the following:

¹ All references to the United States Code (“U.S.C.”) are as amended, unless otherwise indicated.

1. **Jurisdiction.**

(a) **1st SERVICE**, at all times relevant hereto, was a “savings association” within the meaning of 12 U.S.C. § 1813(b) and 12 U.S.C. § 1462(4). Accordingly, **1st SERVICE** is an “insured depository institution” as that term is defined in 12 U.S.C. § 1813(c);

(b) **ALB**, as an Officer of **1st SERVICE** at all times relevant hereto, is an “institution-affiliated party” as that term is defined in 12 U.S.C. § 1813(u).

(c) Pursuant to 12 U.S.C. § 1813(q), the Director of the OTS is the “appropriate Federal Banking agency” to maintain an administrative removal and prohibition proceeding against such a savings association or its institution-affiliated parties. Therefore, **ALB** is subject to the jurisdiction of the OTS to initiate and maintain an administrative proceeding against him pursuant to 12 U.S.C. § 1818(e). The Director of the OTS has delegated to the Regional Director of the Southeast Region of the OTS or his designee (“Regional Director”) the authority to issue removal and prohibition orders where the individual has consented to the issuance of the order.

2. **OTS Findings of Fact.**

The OTS finds that:

(a) During May 2003, **ALB**, a bank officer, violated the reporting requirements of 31 U.S.C. § 5313 by attempting to deposit \$18,200 into an account at **1st Service** so as to avoid the filing of required currency transaction reports under Section 5313. **ALB** sought to avoid the

reporting requirements by making two separate deposits: \$9,200 on May 20, 2003, and \$9,000 on May 21, 2003.

(b) On or about November 15, 2004, **ALB** pled guilty to a criminal violation of 31 U.S.C. § 5324 related to his structuring of monetary deposit transactions to evade the reporting requirements of 31 U.S.C. § 5313. **ALB's** guilty plea was accepted and he was sentenced in the United States District Court for the Eastern District of Virginia on January 21, 2005.

(c) By his conduct, **ALB** engaged in violations of law that prejudiced or could prejudice the interests of **1st Service**, and which demonstrate a willful or continuing disregard for the safety and soundness of the **Bank**.

3. Consent.

ALB consents to the issuance by the OTS of the accompanying Consent Order of Removal and Prohibition ("Order"). **ALB** further agrees to comply with the terms of the Order upon issuance and stipulates that the Order complies with all requirements of law.

4. Finality.

The Order is issued under 12 U.S.C. § 1818(e). Upon its issuance by the OTS, it shall be a final order, effective and fully enforceable by the OTS under the provisions of 12 U.S.C. § 1818(i).

5. Waivers.

ALB waives the following:

(a) the right to be served with a written notice of the OTS's charges against him, as provided by 12 U.S.C. § 1818(e);

(b) the right to an administrative hearing of the OTS's charges against him as provided by 12 U.S.C. § 1818(e);

(c) the right to seek judicial review of the Order, including, without limitation, any such right provided by 12 U.S.C. § 1818(h), or otherwise to challenge the validity of the Order;

(d) any and all claims against the OTS, including its employees and agents, and any other governmental entity for the award of fees, costs or expenses related to this OTS enforcement matter and/or the Order, whether arising under common law, the Equal Access to Justice Act, 5 U.S.C. § 504 or 28 U.S.C. § 2412; and

(e) the right to assert this proceeding, his consent to issuance of the Order, the issuance of the Order, the payment of any monies or the provision of any other financial relief as contemplated by the Order as the basis for a claim of double jeopardy in any pending or future proceeding brought by the United States Department of Justice or any other governmental entity.

6. Indemnification.

ALB represents that he has not received, directly or indirectly, any sums from 1st SERVICE for the purpose of indemnifying or reimbursing him for any expenses incurred by him in connection with the OTS's negotiation and issuance of the Order. ALB shall neither cause nor permit 1st SERVICE (or any successor institution, holding company, subsidiary or service corporation thereof) to incur, directly or indirectly, any expense for any legal or other

professional services rendered to **ALB** relative to the negotiation and issuance of the Order, nor obtain any indemnification (or other reimbursement) from **1st SERVICE** (or any successor institution, holding company, subsidiary or service corporation thereof) with respect to such expenses. In the event that any such payments are received by or on behalf of **ALB** in connection with this action, **ALB** agrees promptly to notify the OTS of the receipt of such payments and to return such payments without delay to **1st SERVICE** (or the successor institution, holding company, subsidiary or service corporation thereof).

7. Other Governmental Actions Not Affected.

ALB acknowledges and agrees that the consent to the issuance of the Order is for the purpose of resolving this OTS enforcement matter only (e.g, structuring deposit transactions to evade the filing of a currency transaction report) and does not release, discharge, compromise, settle, dismiss, resolve, or in any way affect any actions, charges against, or liability of **ALB** that arise pursuant to this action or otherwise and that may be or have been brought by the OTS or another governmental entity.

8. Acknowledgment of Criminal Sanctions.

ALB acknowledges that the Stipulation and Order are subject to the provisions of 12 U.S.C. § 1818(j).

9. Miscellaneous.

(a) The construction and validity of this Stipulation and the Order shall be governed by the laws of the United States of America;

(b) All references to the OTS in this Stipulation and the Order shall also mean any of the OTS' predecessors, successors, and assigns;

(c) The section and paragraph headings in this Stipulation and the Order are for convenience only, and such headings shall not affect the interpretation of this Stipulation or the Order;

(d) The terms of this Stipulation and the Order represent the final written agreement of the parties with respect to the subject matters hereof, and constitute the sole agreement of the parties with respect to such subject matters; and

(e) This Stipulation and the Order shall remain in effect until terminated, modified, or suspended in writing by the OTS, acting through its Director, Regional Director, or other authorized representative.

WHEREFORE, **ALB**, executes this Stipulation and Consent to the Issuance of an Order of Removal and Prohibition, intending to be legally bound hereby.

Accepted by:
Office of Thrift Supervision

By: /s/
Juan Carlos Alb

/s/
John E. Ryan
Regional Director

Dated: 02/10/05

Dated: 02/14/05

ACKNOWLEDGEMENT

State of VIRGINIA

County of FAIRFAX

On this 10th day of February, 2005, before me, the undersigned notary public, personally appeared Juan Carlos Alb and acknowledged his execution of the foregoing Stipulation and Consent to the Issuance of an Order of Removal and Prohibition.

/s/
Notary Public

My Commission Expires: 2-29-2006

SEAL:

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In the Matter of)
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JUAN CARLOS ALB)
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An Officer of)
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1st SERVICE BANK)
MCLEAN, VIRGINIA)
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Order No. ATL-2005-03

Dated: February 14, 2005

CONSENT ORDER OF REMOVAL AND PROHIBITION

WHEREAS, **JUAN CARLOS ALB (ALB)** has executed a Stipulation and Consent to the Issuance of an Order of Removal and Prohibition (Stipulation); and

WHEREAS, **ALB**, by his execution of the Stipulation, has consented and agreed to the issuance of this Order of Removal and Prohibition (Order) by the Office of Thrift Supervision ("OTS"), pursuant to 12 U.S.C. § 1818(e).

NOW THEREFORE, IT IS ORDERED that:

1. **ALB** is removed as Assistant Vice President and prohibited from further participation, in any manner, in the conduct of the affairs of 1st Service Bank, McLean, Virginia, OTS Docket Number 15833, and any holding company, subsidiary, and/or service corporation thereof.
2. **ALB**, except upon the prior written consent of the OTS, acting through its Director or an authorized representative thereof, and any other "appropriate Federal financial institutions regulatory agency," for purposes of 12 U.S.C. § 1818(e)(7)(B)(ii), shall not:

(a) hold any office in, or participate in any manner in the conduct of the affairs of, any institution or agency specified in 12 U.S.C. § 1818(e)(7)(A), including, but not limited to:

- (i) any insured depository institution, e.g., savings and loan associations, savings banks, national banks, trust companies, and other banking institutions;
- (ii) any institution treated as an insured bank under 12 U.S.C. §§ 1818(b)(3) and 1818(b)(4), or as a savings association under 12 U.S.C. § 1818(b)(9), e.g., subsidiaries and holding companies of banks or savings associations;
- (iii) any insured credit union under the Federal Credit Union Act, 12 U.S.C. § 1781 et seq.;
- (iv) any institution chartered under the Farm Credit Act of 1971, 12 U.S.C. § 2001 et seq.;
- (v) any appropriate Federal depository institution regulatory agency, within the meaning of 12 U.S.C. § 1818(e)(7)(A)(v); and
- (vi) the Federal Housing Finance Board and any Federal Home Loan Bank.

(b) solicit, procure, transfer, attempt to transfer, vote, or attempt to vote any proxy, consent, or authorization with respect to any voting rights in any institution described in 12 U.S.C. § 1818(e)(7)(A);

(c) violate any voting agreement previously approved by the “appropriate Federal banking agency” within the meaning of 12 U.S.C. § 1813(q); or

